



1 Plaintiff Counterdefendant, GRIPITZ, LLC (“Gripitz”), submits the following as its  
2 Reply to the Counterclaim of Defendant Counterclaimant, TSA STORES, INC. (“TSA”):

3 **COUNTERCLAIM FOR DECLARATORY JUDGMENT**

4 Answering the specific numbered paragraphs of the Counterclaim averred by TSA,  
5 Gripitz responds as follows:

6 1. Gripitz denies each of the allegations set forth in Paragraph 1 of the  
7 Counterclaim, except that it admits that TSA has answered the allegations of Paragraphs 1  
8 through 13 of the Complaint and that TSA has alleged eight separate affirmative defenses  
9 and one additional defense as specifically set forth in the Answer, Affirmative Defenses and  
10 Counterclaim of Defendant TSA Stores, Inc., filed on July 16, 2007.

11 2. Gripitz denies each of the allegations set forth in Paragraph 2 of the  
12 Counterclaim, except that Gripitz admits that it has alleged that United States Patent No.  
13 7,156,791 (“the ‘791 Patent’”) is valid and infringed by TSA, that TSA contends that it does  
14 not infringe any valid claim of the ‘791 Patent, either directly or indirectly, and that a  
15 justiciable controversy exists between Gripitz and TSA.

16 3. Gripitz denies the allegations set forth in Paragraph 3 of the Counterclaim,  
17 except that it admits that TSA seeks a declaration that no valid claim of the ‘791 Patent is  
18 infringed by TSA, either directly or indirectly.

19 4. Gripitz denies the allegations set forth in Paragraph 4 of the Counterclaim.

20 5. Gripitz admits the allegations set forth in Paragraph 5 of the Counterclaim.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff Counterdefendant, Gripitz, demands judgment against  
23 Defendant Counterclaimant, TSA, on its Counterclaim for Declaratory Relief, as follows:

24 1. Dismissal of TSA’s Counterclaim with prejudice in its entirety and deny TSA  
25 any relief whatsoever;

2. Judgment in favor of Gripitz and against TSA on all claims averred in the Counterclaim;

3. Judgment that Gripitz be awarded its attorneys' fees, costs, and expenses incurred in this action in accordance with 35 U.S.C. § 285; and

4. Such other and further relief as the Court may deem just and proper.

Dated this 3rd day of August, 2007

By: /S/ Mark L. Pettinari .....  
Mark L. Pettinari

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*Attorneys for Plaintiff Counterdefendant  
Gripitz, LLC*

### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Counterclaimant Gripitz, LLC hereby requests a trial by jury for all issues that are triable by a jury in this action.

Dated this 3rd day of August, 2007.

By: /S/ Mark L. Pettinari .....  
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